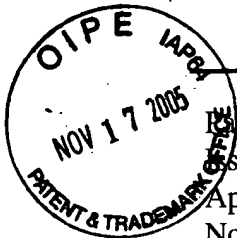


152633

PATENT  
5957-41408

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Patent No.:  
Issued:  
Application No.: 09/853,556  
Filed: May 11, 2001  
Inventor:  
Newell et al.

Title: Control Channel for an  
Optical Communications  
System Utilizing Frequency  
Division Multiplexing

§ Examiner: Bello, Agustin  
§ Group Art Unit: 2633  
§ Atty. Dct. No: 5957-41408  
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§

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

B. Noël Kivlin

Printed Name

Signature

Date

TRANSMITTAL OF POWER OF ATTORNEY AND  
NOTICE OF CHANGE OF ADDRESS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find attached a Power of Attorney with regard to the above-identified patent application. Applicant respectfully requests the Commissioner to change the correspondence address for the above identified patent application. The old correspondence address was:

Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View CA 94041

The new correspondence address is:

B. Noël Kivlin  
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
(512) 853-8840  
Customer ID #35690

If there are any questions regarding this matter, please contact me at the telephone number provided below.

Respectfully submitted,



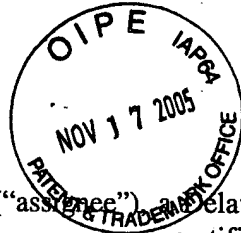
B. Noël Kivlin  
Reg. No. 33,929  
ATTORNEY FOR APPLICANTS

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
(512) 853-8800

Date: 11-14-25

## POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Forster Energy LLC ("assignee"), a Delaware corporation having a place of business at \_\_\_\_\_, certifies that to the best of assignee's knowledge and belief it is the assignee of the entire right, title, and interest in and to the above-referenced patent and represents that the undersigned is a representative authorized and empowered to sign on behalf of the assignee.

Assignee has reviewed the assignment documents that evidence the placement of title in the assignee, true and correct copies of which are attached hereto, and understands and believes that these assignment documents have been submitted for recordation in the U.S. Patent and Trademark Office.

Pursuant to 37 C.F.R. §§1.36 and 3.71, the assignee hereby revokes all powers of attorney previously given and appoints the following attorneys and/or agents in connection with the patent applications and patents identified in Appendix A, that are filed with the United States Patent and Trademark Office:

the practitioners at Customer Number 35690, and

|                     |                 |                    |                 |
|---------------------|-----------------|--------------------|-----------------|
| Mark K. Brightwell  | Reg. No. 47,446 | Mario J. Lewin     | Reg. No. 54,268 |
| Kay A. Colapret     | Reg. No. 52,759 | Lawrence J. Merkel | Reg. No. 41,191 |
| Stephen J. Curran   | Reg. No. 50,664 | Eric B. Meyertons  | Reg. No. 34,876 |
| Mark R. DeLuca      | Reg. No. 44,649 | Neal E. Persky     | Reg. No. 53,452 |
| Heather L. Flanagan | Reg. No. 54,101 | Liza Philip        | Reg. No. 51,352 |
| Russell Henrichs    | Reg. No. 50,354 | David W. Quimby    | Reg. No. 39,338 |
| Erik A. Heter       | Reg. No. 50,652 | Rory D. Rankin     | Reg. No. 47,884 |
| Jeffrey C. Hood     | Reg. No. 35,198 | Gareth Sampson     | Reg. No. 52,191 |
| Rajiv Jauhari       | Reg. No. 55,850 | Chris Thompson     | Reg. No. 43,188 |
| B. Noël Kivlin      | Reg. No. 33,929 | Mark S. Williams   | Reg. No. 50,658 |
| Robert C. Kowert    | Reg. No. 39,255 |                    |                 |

*each of said attorneys or agents being a member or an associate of the firm of Meyertons, Hood, Kivlin, Kowert & Goetzl, P.C., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.*

Pursuant to 37 C.F.R. §3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventor(s).

Send all future correspondence to:

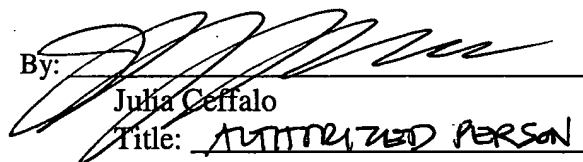
B. Noël Kivlin  
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
(512) 853-8800

Assignee of Interest

Forster Energy LLC  
2215-B Renaissance Dr, Ste 5  
Las Vegas NV 89119

Dated: 28 Jul 2005

By:

  
Julia Ceffalo  
Title: AUTHORIZED PERSON

## PATENT ASSIGNMENT

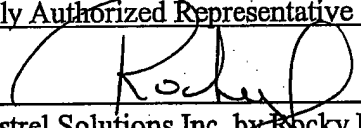
For good and valuable consideration, the receipt of which is hereby acknowledged, Kestrel Solutions, Inc. ("ASSIGNOR"), has sold, assigned, and transferred and does hereby sell, assign, and transfer to Forster Energy LLC ("ASSIGNEE"), for itself and its successors, transferees, and assignees, the following:

1. The entire worldwide right, title, and interest in the patent applications and issued patents listed in Exhibit A ("PATENT RIGHTS"); and
2. The entire worldwide right, title, and interest in and to:
  - (a) the PATENT RIGHTS, including any right of priority; (b) any divisional, continuation, substitute, renewal, reissue, and other related applications thereto which have been or may be filed in the United States or elsewhere in the world; (c) any patents which may be granted on the applications set forth in (a) and (b) above; and (d) the right to sue in its own name and to recover for past infringement of any or all of any applications or patents issuing therefrom.

ASSIGNOR agrees to, when requested, and without further consideration, in order to carry out the intent of this Assignment, execute all oaths, assignments, powers of attorney, applications, and other papers necessary or desirable to fully secure to ASSIGNEE the rights, titles and interests herein conveyed.

Duly Authorized Representative of ASSIGNOR

Date of Signature

  
Kestrel Solutions Inc. by Rocky Ho for FTI Consulting, Inc.,  
In its capacity as Plan Agent  
353 Sacramento Street  
Suite 1800  
San Francisco, CA 94111

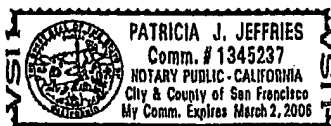
June 2, 2005

State of California  
County of San Francisco

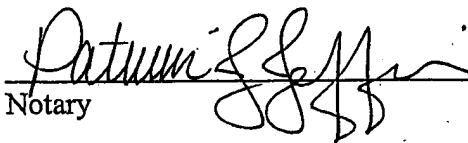
On June 2, 2005 before me, Patricia J. Jeffries personally  
[DATE] [NOTARY]

PUBLIC]  
appeared Rocky Ho personally known to me or proved to me on the  
basis of [REPRESENTATIVE]  
satisfactory evidence to be the person whose name is subscribed to the within instrument and  
acknowledged to me that [he/she] executed the same in [his/her] authorized capacity, and that  
by [his/her] signature on the instrument the person, or the entity upon behalf of which the  
person acted, executed the instrument.

Notary Seal



Notary



## Exhibit A

### Patent Lots for Kestrel Solutions, Inc.

#### TOTAL COUNTS

7 Issued  
11 Pending  
10 Abandoned  
Total: 28 Assets

Status as of April 27, 2005



| Lot | Our Ref.   | USPN / App. Ser. No.       | Issue Date / Filing Date                      | Title   | Inventors  | Status     |
|-----|------------|----------------------------|---|---|--|------------|
| 1   | 3208<br>US | 6,204,951<br>09/082,620    | Issued on<br>03/20/01<br>Filed on<br>05/19/98 | Electro-Optic Modulator<br>With Improved Harmonic<br>Performance  | James F. Coward<br>Ting K. Yee<br>Peter Chang<br>Abraham Kou   | Issued.    |
| 2   | 3209<br>CA | 2320762                    | 08/18/00                                      | System And Method For<br>Spectrally Efficient<br>Transmission Of Digital<br>Data Over Optical Fiber                           | Michael W. Rowan<br>Roger R. Taur<br>Peter Chang<br>James F. Coward<br>Stuart Wilson<br>Ting K. Yee  | Abandoned. |
| 2   | 3209<br>EP | 99905649.2                 | 09/07/00                                      | System And Method For<br>Spectrally Efficient<br>Transmission Of Digital<br>Data Over Optical Fiber                           | Michael W. Rowan<br>Roger R. Taur<br>Peter Chang<br>James F. Coward<br>Stuart Wilson<br>Ting K. Yee  | Pending.   |
| 2   | 3209<br>JP | 2000-535125                | 08/30/00                                      | System And Method For<br>Spectrally Efficient<br>Transmission Of Digital<br>Data Over Optical Fiber                           | Michael W. Rowan<br>Roger R. Taur<br>Peter Chang<br>James F. Coward<br>Stuart Wilson<br>Ting K. Yee  | Pending.   |
| 2   | 4917<br>US | 6,407,843 B1<br>09/728,376 | Issued on<br>06/18/02<br>Filed on<br>11/28/00 | System And Method For<br>Spectrally Efficient<br>Transmission Of Digital<br>Data Over Optical Fiber                           | Michael W. Rowan<br>Roger R. Taur<br>Peter Chang<br>James F. Coward<br>Stuart Wilson<br>Ting K. Yee  | Issued.    |
| 3   | 3592<br>US | 6,452,945<br>09/229,594    | Issued on<br>09/17/02<br>Filed on<br>01/13/99 | Electrical Add-Drop<br>Multiplexing For Optical<br>Communications<br>Networks Utilizing<br>Frequency Division<br>Multiplexing | David B. Upham<br>Augustus Elmer<br>Laurence J. Newell<br>David A. Pechner<br>Abraham Kou<br>Michael W. Rowan<br>James F. Coward<br>Norman L. Swenson<br>Minnie Ho | Issued.    |

| Lot | Our Ref.   | USPN / App. Ser. No.    | Issue Date / Filing Date                      | Title  | Inventors   | Status   |
|-----|------------|-------------------------|---|--|---|----------|
| 4   | 3593<br>US | 6,046,838<br>09/218,731 | Issued on<br>04/04/00<br>Filed on<br>12/22/98 | Automatic Bias Control<br>For Electro-Optic<br>Modulators                          | Abraham H. Kou<br>Ting K. Yee<br>Norman L. Swenson  | Issued.  |
| 5   | 4291<br>US | 6,529,303<br>09/405,367 | Issued on<br>03/04/03<br>Filed on<br>9/24/99  | Optical Communications<br>Networks Utilizing<br>Frequency Division<br>Multiplexing | Michael W. Rowan<br>David B. Upham<br>Augustus Elmer<br>Laurence J. Newell<br>David A. Pechner<br>Abraham Kou<br>James F. Coward<br>Norman L. Swenson<br>Minnie Ho<br>Peter H. Chang<br>Ting K. Yee<br>Stuart E. Wilson | Issued.  |
| 5   | 4291<br>JP | 2000-594215             | 07/13/01                                      | Optical Communications<br>Networks Utilizing<br>Frequency Division<br>Multiplexing | Michael W. Rowan<br>David B. Upham<br>Augustus Elmer<br>Laurence J. Newell<br>David A. Pechner<br>Abraham Kou<br>James F. Coward<br>Norman L. Swenson<br>Minnie Ho<br>Peter H. Chang<br>Ting K. Yee<br>Stuart E. Wilson | Pending. |



| Lot | Our Ref    | USPN/<br>App. Ser. No. | Issue Date/<br>Filing Date | Title   | Inventors   | Status     |
|-----|------------|------------------------|----------------------------|---|---|------------|
| 5   | 7650<br>US | 10/382,094             | 03/04/03                   | Optical Communications<br>Networks Utilizing<br>Frequency Division<br>Multiplexing  | Michael W. Rowan<br>David B. Upham<br>Augustus Elmer<br>Laurence J. Newell<br>David A. Pechner<br>Abraham Kou<br>James F. Coward<br>Norman L. Swenson<br>Minnie Ho<br>Peter H. Chang<br>Ting K. Yee<br>Stuart E. Wilson | Abandoned. |
| 6   | 4469<br>US | 09/571,349             | 05/16/00                   | Through-Timing Of Data<br>Transmitted Across An<br>Optical Communications<br>System Utilizing<br>Frequency Division<br>Multiplexing | David Pechner<br>Laurence J. Newell   | Abandoned. |
| 7   | 4475<br>US | 09/569,761             | 05/12/00                   | Channel Gain Control For<br>An Optical<br>Communications System<br>Utilizing Frequency<br>Division Multiplexing                     | Laurence J. Newell<br>James F. Coward   | Abandoned. |
| 7   | 4475<br>EP | 00968394.7             | 04/04/02                   | Channel Gain Control For<br>An Optical<br>Communications System<br>Utilizing Frequency<br>Division Multiplexing                     | Laurence J. Newell<br>James F. Coward   | Abandoned. |
| 8   | 4739<br>US | 09/595,731             | 06/16/00                   | I and Q Gain and Phase<br>Difference Compensation<br>for QAM Signals  | David Pechner   | Pending.   |
| 9   | 5133<br>US | 09/854,153             | 05/11/01                   | Channel Gain Control For<br>An Optical<br>Communications System<br>Utilizing Frequency<br>Division Multiplexing                     | Laurence J. Newell<br>James F. Coward   | Abandoned. |

| Lot | Our Ref    | USPN / App Ser No.      | Issue Date / Filing Date                      | Title   | Inventors   | Status     |
|-----|------------|-------------------------|---|---|---|------------|
| 9   | 5134<br>US | 09/853,556              | 05/11/01                                      | Control Channel For An Optical Communications System Utilizing Frequency Division Multiplexing    | David A. Pechner<br>Laurence J. Newell<br>Augustus Elmer<br>David B. Upham  | Abandoned. |
| 9   | 5639<br>US | 09/854,246              | 05/11/01                                      | Synchronizing Nodes in An Optical Communications System Utilizing Frequency Division Multiplexing | Laurence J. Newell  | Pending.   |
| 10  | 5135<br>US | 09/851,593              | 05/08/01                                      | Variable Rate High-Speed Input and Output in Optical Communication Networks                       | Tian Shen<br>Robert B. Clarke, Jr.<br>Thomas J. Roman<br>David B. Upham<br>David A. Pechner<br>Laurence J. Newell | Abandoned. |
| 11  | 5137<br>US | 09/870,880              | 05/30/01                                      | Automatic Assignment of Addresses to Nodes in a Network   | Tjandra Trisno<br>Chris L. Freckmann  | Pending.   |
| 12  | 5169<br>US | 09/728,373              | 11/28/00                                      | Optical Communications Using Heterodyne Detection   | Ting K. Yee<br>Peter H. Chang   | Pending.   |
| 13  | 5286<br>US | 09/747,261              | 12/20/00                                      | Fiber Optic Communications using Optical Single Sideband Transmission and Direct Detection        | Ting K. Yee<br>Peter H. Chang<br>James F. Coward  | Abandoned. |
| 14  | 5366<br>US | 6,493,131<br>09/746,370 | Issued on<br>12/10/02<br>Filed on<br>12/20/00 | Wavelength-Locking of Optical Sources   | Shin-Sheng Tang<br>Slava Yazhgur<br>Ting K. Yee<br>Peter H. Chang   | Issued.    |

| Lot | Our Ref.                   | USPN/<br>App. Ser. No.  | Issue Date/<br>Filing Date                    | Title  | Inventors  | Status     |
|-----|----------------------------|-------------------------|---|--|--|------------|
| 15  | 5682<br>US                 | 09/918,886              | 07/30/01                                      | Optical Communications Using Multiplexed Single Sideband Transmission And Heterodyne Detection                       | Ting K. Yee<br>Peter H. Chang<br>Shin-Sheng Tamg<br>Gregory M. Cutler<br>Slava Yazhgur<br>Ji Li<br>Laurence J. Newell<br>James F. Coward<br>Michael W. Rowan<br>Normal L. Swenson<br>Matthew C. Bashaw | Pending.   |
| 16  | 5747<br>US                 | 09/816,242              | 03/23/01                                      | Through-Timing Of Data Transmitted Across An Optical Communications System Utilizing Frequency Division Multiplexing | David A. Pechner<br>Laurence J. Newell<br>Mark D. Konezny  | Pending.   |
| 17  | 6053<br>US                 | 6,624,766<br>09/922,500 | Issued on<br>09/23/03<br>Filed on<br>08/02/01 | Recovery and Transmission of Return-To-Zero Formatted Data Using Non-Return-To-Zero Devices                          | Nicholas J. Possely<br>David B. Upham  | Issued.    |
| 18  | 6479<br>US                 | 10/107,085              | 03/25/02                                      | Optical Transceiver using Heterodyne Detection and a Transmitted Reference Clock                                     | Ji Li  | Pending.   |
| 19  | KES-<br>001/<br>9525<br>US | 09/863,888              | 05/22/01                                      | Method and Apparatus for providing a Gigabit Ethernet Circuit Pack   | Anthony William Jorgenson<br>Nicholas Joseph Possley   | Pending.   |
| 20  | KES-<br>002<br>9526<br>US  | 09/828,481              | 04/06/01                                      | Method and Apparatus for Providing Full Duplex/Half Duplex Radially Distributed Serial Control Bus Architecture      | Anthony William Jorgenson  | Abandoned. |